



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,455	05/08/2006	Geoffrey Harding	DE 030381	6997

24737 7590 01/28/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

THOMAS, COURTNEY D

ART UNIT	PAPER NUMBER
----------	--------------

2882

MAIL DATE	DELIVERY MODE
-----------	---------------

01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,455

Applicant(s)

HARDING, GEOFFREY

Examiner

Courtney Thomas

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibbon (U.S. Patent No. 3,936,638).

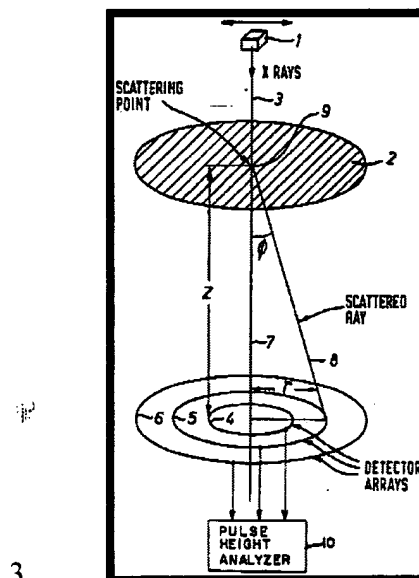


Figure 1 – Inspection Apparatus – U.S. Patent No. 3,936,638 to Gibbon

4. As per claims 1, 11 and 17, Gibbons discloses an apparatus (and corresponding method) comprising: a source of radiation (1) and detector (4-6); wherein the source of radiation produces radiation (X-Rays) sufficient to penetrate an object (2) of interest; wherein the object (2) causes secondary radiation (Scattered Ray - 8) as a first radiation (3) interacts with the object (2); the

detector (array 4-6) is stationary during a scan and detects the scattered radiation; the source of radiation (1) is displaceable during a scan (see Fig. 1, shown above; see also 2:12-28)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-10, 12-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons (U.S. Patent No. 3,936,638).

7. **As per claims 2-4, 7 and 12-16**, Gibbons discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus wherein a source of radiation displaceable along at least a first portion of a first circular path. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbons such that it incorporated a source of radiation displaceable along at least a first portion of a first circular path. One would have been motivated to make such a modification for the purpose of positioning the source such that a field of view of/ within an object is obtained during a scan as suggested by Gibbon and as is currently practiced in the radiation inspection art.

8. **As per claims 5-6**, Gibbons discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus further comprising a primary collimator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbons such that it incorporated a primary collimator. One would have been motivated to make such a modification for the purpose of shaping and/or filtering radiation

directed to an object of interest and/or for shaping/filtering radiation transmitted through an object prior to impinging on a detection element as is commonly practiced in the radiation inspection art.

9. **As per claim 8**, Gibbons discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus that is transportable and adapted for baggage inspection; and wherein the source of radiation is a polychromatic x-ray source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbons such that it incorporated the aforementioned limitations. One would have been motivated to make such a modification for the purpose of designing an apparatus that is adapted for movement from one inspection site to another, the article of inspection including baggage (as is customarily practiced at airports) and for exposing and detecting an array of materials due to the interaction with a source that incorporates a wide wavelength range.

10. **As per claim 9**, Gibbons discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus wherein the source of radiation comprises a laser pointer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbons such that the source of radiation comprises a laser pointer. One would have been motivated to make such a modification for the purpose of using a visible light source (laser radiation) to correctly align/position an invisible radiation source (X-ray beam).

11. **As per claims 10, 18 and 21**, Gibbons discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus further comprising a platform and a calculation unit. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify the apparatus of Gibbons such that it incorporated a platform and calculation unit One would have been motivated to make such a modification for the purpose of a) providing a means for positioning an object of interest and b) analyzing data received by the radiation detector, either in the form of a reconstructed image or by identification of materials based on scatter characteristics as is currently practiced in the radiation inspection art.

12. **As per claim 19**, Gibbons discloses a method as recited in claim 11, but does not explicitly disclose a step comprising moving the object of interest and coordinating movement of the source with the movement of the object to construct an image from energy measurements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Gibbons such that it incorporated the aforementioned step. One would have been motivated to make such a modification for the purpose of scanning an entire volume of an object of interest and using measured results to identify the internal components as is currently practiced in the radiation art.

Response to Arguments

13. Applicant's arguments filed 01/03/08 have been fully considered but they are not persuasive. In particular, applicant contests the rejection of claims 1-21 on the basis that Gibbons (**U.S. Patent No. 3,936,638**) does not teach or suggest a movable radiation source and stationary detector (Remarks, pp28-29). Applicant argues that although Fig.1 illustrates double sided arrows, the text does not explicitly recite what is moved and therefore the reference fails to anticipate the limitation of a displaceable radiation source and stationary detector. Examiner disagrees. Examiner recognizes that one of ordinary skill in the art would recognize that the double sided arrows of Gibbons Fig. 1 relates to a displaceable radiation source. Since this is the

only component indicated as having any movement, no other inference can be drawn about the mobility of the detector(s) or other device components. Examiner concludes that one having ordinary skill in the art would reasonably conclude that the reference teaches a displaceable radiation source and stationary detector. For at least this reason, Examiner maintains the rejections of claims 1-21 as being anticipated by Gibbons.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/578,455
Art Unit: 2882

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Courtney Thomas
Primary Examiner
Art Unit 2882